

REMARKS

In response to the Restriction Requirement mailed on December 29, 2009, Applicant elects, with traverse Group 1; claims 1-25.

Groups I and II and Groups I and III are best described as combination and subcombination because claims 26 and 27 could have been written as dependent claims from claim 9 of Group I. MPEP § 806.05(c) states that “To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary.” With regard to distinctness, MPEP § 806.05(c) further states that “The inventions are distinct if it can be shown that a combination as claimed: (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and (B) the subcombination can be shown to have utility either by itself or in another materially different combination.” In addition, MPEP § 806.05(c)(I) states that “Where a combination *as claimed* requires the details of a subcombination *as separately claimed*, there is usually no evidence that combination AB^{sp} is patentable without the details of B^{sp}. The inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility.” (emphasis in original). Applicant asserts that the Examiner has not met his burden in showing two-way distinctness between Groups I and II and between Groups I and III and requests that the restriction requirement be withdrawn.

In order to comply with the restriction requirement, claims 26 and 27 (Groups II and III) are hereby withdrawn. However, Applicant reserves the right to reintroduce the claims of Groups II and III, in the event that the restriction requirement is withdrawn. In addition, Applicant reserves the right to later file continuation or divisional applications having claims directed to the non-elected inventions.

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Title: GAS TURBINE ENGINE SYSTEM

If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432. The Examiner is invited to contact Applicants' Representatives at the below listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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